Government of Kerala
1975

Reg. No. KL/TV/12.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XX] Trivandrum, Monday, 7th July 1975 / 16th Ashadha 1897 [No. 347

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 3641/LA17/75. *Dated, Trivandrum, 7th July, 1975.*

The following Amendment to the Kerala Legislature Library Rules, as approved by the Deputy Speaker, in charge, is hereby published.

In the said Rules, in Rule 19, for sub-rule (ii) substitute the following viz:—

"(ii) Seven members of the Committee shall be nominated by the Speaker. The Secretary to Legislature and Secretary to Government, Law Department shall be the other two members of the Committee. The Secretary to the Legislature shall be the Convenor. The meetings of the committee shall be presided over by the Chairman of the Committee who shall be appointed by the Speaker from among the members nominated by him. The quorum of the Committee shall be three".

By order,

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1975.

33/2091/MC.

Government of Kerala
1975

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EXTRAORDINARY

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GOVERNMENT OF KERALA

Home (SS) Department

NOTIFICATION

No. 27253/SS1/75/Home. *Dated, Trivandrum, 7th July 1975.*

S. R. O. No. 559|75.—WHEREAS the Government of Kerala are of opinion that each of the places mentioned in the Schedule below is used for the purposes of an unlawful association;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 17A of the Indian Criminal Law Amendment Act, 1908 (Central Act 14 of 1908), the Government of Kerala hereby notify the places mentioned in the said schedule for the purposes of the said section.

The Schedule

Idukki District

1. Room No. 3 of House No. 294 of Ward No. VII of Thodupuzha Panchayat.
2. House No. 30 Ward No. III of Thodupuzha Panchayat.
3. Building No. 394 of Ward No. VI of Arakulam Panchayat.

By order of the Governor,

S. NARAYANASWAMY,

Special Secretary to Government.

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33/2096/MC.

Government of Kerala
1973

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EXTRAORDINARY

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GOVERNMENT OF KERALA

Agriculture (Forest General) Department

NOTIFICATION I

No. G. O. (P) 206/75/AD. *Dated, Trivandrum, 3rd July 1975*

S. R. O. No. 560/75.—In exercise of the powers conferred by sub-section (1) of section 61 A of the Kerala Forest Act, 1961 (4 of 1962), the Government of Kerala hereby authorise all Divisional Forest Officers in charge of Territorial and Special Divisions, all Divisional Forest Officers, Flying Squad, Wild Life Preservation Officer, Thekkady and Assistant Conservator of Forests, Idukki as Officers for the purposes of the said section of the Act.

By order of the Governor,

P. G. MURALIDHARAN,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport)

In section 61 A (1) of the Kerala Forest Act, 1961 as amended by the Kerala Forest (Amendment) Ordinance 1975 (Ordinance No. 5 of 1975) it is laid down that where a forest offence is believed to have

been committed in respect of timber, charcoal, firewood or ivory which is the property of the Government, the officer, seizing the property under sub-section (1) of section 52 shall, without any unreasonable delay, produce it, together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence, before an officer authorised by the Government in this behalf by notification in the Gazette, not being below the rank of an Assistant Conservator of Forests. The notification is intended to authorise certain officers in this behalf.

NOTIFICATION II

No. G. O. (P) 206/75/AD. *Dated, Trivandrum, 3rd July 1975.*

S. R. O. No. 561/75.—In exercise of the powers conferred by section 61 C of the Kerala Forest Act, 1961 (4 of 1962) the Government of Kerala hereby authorise the Conservators of Forests, Southern Circle, Quilon, Central Circle, Trichur, Northern Circle, Kozhikode, Special Circle, Kozhikode, Evaluation Circle, Trivandrum, Rubber Plantation Circle, Punalur, Wild Life Circle, Trivandrum and Industrial Plantation Circle, Perumbavoor as officers for the purposes of the said section of the Act.

By order of the Governor,

P. G. MURALIDHARAN,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Section 61 C of the Kerala Forest Act, 1961 as amended by the Kerala Forest (Amendment) Ordinance 1975 (Ordinance No. 5 of 1975) lays down that any Forest Officer not below the rank of Conservator of Forests authorised by the Government by notification in the Gazette may, before the expiry of thirty days from the date of the order of the authorised officer under section 61 A, suo motu call for and examine the record of that order and may make such inquiry or cause such inquiry to be made and may pass such orders as he deems fit, provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard. The notification is intended to authorise certain officers in this behalf.

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1975

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GOVERNMENT OF KERALA

Home (SS) Department

NOTIFICATION

No. 27253/SS1-2/75/Home. *Dated, Trivandrum, 7th July 1975.*

S. R. O. No. 562/75.—Whereas the Government of Kerala are of opinion that each of the places mentioned in the Schedule below is used for the purposes of an unlawful association;

Now, Therefore, in exercise of the powers conferred by sub-section (1) of section 17A of the Indian Criminal Law Amendment Act, 1908 (Central Act 14 of 1908), the Government of Kerala hereby notify the places mentioned in the said schedule for the purposes of the said section.

The Schedule

Ernakulam City.

1. Building No. XLII/34, Ernakulam, Ernakulam Town North Police Station limits.
2. Building No. VIII/574 named Kesavakripa, Cheralayi, Mattancherry Police Station limits.

33/2101/MC.

3. House No. 276 ('Rashtravartha' daily office RSSS) Division 33, TD Road, Ernakulam.

4. Building No. 2/348, Maradu Village, Hill Palace Police Station limits.

5. Building No. VII/568, Nadama Village, Hill Palace Police Station limits.

6. Upstairs of Building No. 1217 named 'Ikbal building' Division 6, Mattancherry, Cochin Corporation.

Malappuram District.

1. House No. 448, Ward No. 12, Malappuram Municipality.
2. House No. 197-E, Ward No. 2, Manjeri Panchayat.
3. House No. 379, Ward No. 5, Mambra Panchayat, Tirurangadi.
4. House No. 234, Ward No. 4, Kondotti Panchayat.
5. House No. 68, Ward No. 6, Kondotti Panchayat.

Cannanore District.

1. Building No. P P8/79 (Cannanore Rashtrapathi Mandir), 'alap.
2. Building No. 7/170, Taliparamba.
3. No. CI-390, Kumbala Bazaar.
4. No. 24/299, Araccal Ward, Cannanore City.
5. No. 9/470, Main road, Tellicherry.
6. No. 6/585, Manna, Taliparamba.
7. No. KMC/II-114, Fort Road, Kasargode.
8. Building No. MP-2-41, Kanhirode, Chakkarakkallu Police Station limits.
9. Building No. B. P. 3/57-B (Upstair room) near Moideenpally, Baliapatam.
10. Building No. ELP 5/52 B, Thazhechovva, Cannanore.

By order of the Governor,

P. N. PISHARODI,

Deputy Secretary to Government.

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GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 9949/B2/75/Law. *Dated, Trivandrum, 7th July 1975.*

The following Ordinance promulgated by the President and published in a Gazette of India Extraordinary, Part II—Section 1, dated the 1st July, 1975, is hereby republished for general information.

"The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1975 (No. 8 of 1975)."

By order of the Governor,

K. VISWANATHAN NAIR,
Additional Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1975

38/2008/M.Gl.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 1st July, 1975/Asadha 10, 1897 (Saka)

THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ORDINANCE, 1975

No. 6 OF 1975

Promulgated by the President in the Twenty-sixth Year of the Republic of India.

An Ordinance to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

WHEREAS a grave emergency exists whereby the security of India is threatened by external aggression and internal disturbance;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1975.

(2) It shall come into force at once.

2. *Act 52 of 1974 to be temporarily amended.*—During the period of operation of this Ordinance, the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3, 4 and 5.

3. *Insertion of new section 5A.*—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. *Grounds of detention severable.*—Where a person has been detained in pursuance of an order of detention under sub-section (1) of section 3 which has been made on two or

more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly—

(a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are—

(i) vague,

(ii) non-existent,

(iii) not relevant,

(iv) not connected or not proximately connected with such person, or

(v) invalid for any other reason whatsoever,

and it is not therefore possible to hold that the Government or officer making such order would have been satisfied as provided in sub-section (1) of section 3 with reference to the remaining ground or grounds and made the order of detention;

(b) the Government or officer making the order of detention shall be deemed to have made the order of detention under the said sub-section (1) after being satisfied as provided in that sub-section with reference to the remaining ground or grounds.".

4. *Amendment of section 12.*—In section 12 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely:—

"(6) Notwithstanding anything contained in any other law and save as otherwise provided in this section, no person against whom a detention order made under this Act is in force shall be released whether on bail or bail bond or otherwise.".

5. *Insertion of new section 12A.*—After section 12 of the principal Act, the following section shall be inserted, namely:—

12A. *Special provisions for dealing with emergency.*—(1) Notwithstanding anything contained in this Act or any rules of natural justice, the provisions of this section shall have effect during the period of operation of the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 3rd day of December, 1971, or the Proclamation of Emergency issued under that clause on the 25th day of June, 1975, or a period of twelve months from the 25th day of June, 1975, whichever period is the shortest.

(2) When making an order of detention under this Act against any person after the commencement of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1975, the Central Government or the State Government or, as the case may be, the officer making the order of detention shall consider whether the detention of such person under this Act is necessary for dealing effectively with the emergency in respect of which the Proclamations referred to in sub-section (1) have been issued (hereafter in this section referred to as the emergency) and if, on such consideration, the Central Government or the State Government or, as the case may be, the officer is satisfied that it is necessary to detain such person for effectively dealing with the emergency, that Government or officer may make a declaration to that effect and communicate a copy of the declaration to the person concerned:

Provided that where such declaration is made by an officer, it shall be reviewed by the appropriate Government within fifteen days from the date of making of the declaration and such declaration shall cease to have effect unless it is confirmed by that Government, after such review, within the said period of fifteen days.

(3) The question whether the detention of any person in respect of whom a declaration has been made under sub-section (2) continues to be necessary for effectively dealing with the emergency shall be reconsidered by the appropriate Government within four months from the date of such declaration and thereafter at intervals not exceeding four months, and if, on such reconsideration, it appears to the appropriate Government that the detention of the person is no longer necessary for effectively dealing with the emergency, that Government may revoke the declaration.

(4) In making any consideration, review or reconsideration under sub-section (2) or (3), the appropriate Government or officer may, if such Government or officer considers it to be against the public interest to do otherwise, act on the basis of the information and materials in its or his possession without disclosing the facts or giving an opportunity of making a representation to the person concerned.

(5) It shall not be necessary to disclose to any person detained under a detention order to which the provisions of sub-section (2) apply, the grounds on which the order has been made during the period the declaration made in respect of such person under that